

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EDWARD MCCASKILL,

Petitioner,

Case Number 2:11-CV-11915
Honorable Lawrence P. Zatkoff

v.

HUGH WOLFENBARGER,

Respondent,

ORDER

Petitioner has not yet appealed the Court's judgment denying his petition for a writ of habeas corpus [dkt 4]. However, currently pending before the Court is Petitioner's motion for waiver of fees and costs [dkt 5]. The motion and papers attached thereto are misleading. The case heading contains two Federal Eastern District of Michigan case numbers, including the instant case number (No. 11-11915) and a second case number (11-11607) assigned to a different judge. The Court denies Petitioner's requested relief as duplicative. As the Court indicated in its order dismissing this case (No. 11-11915), "Petitioner challenges the same convictions in both petitions. Therefore, the Court will dismiss this second petition as duplicative. *See Davis v. United States Parole Comm'n*, 870 F.2d 657 (6th Cir. March 7, 1989) (district court may dismiss a habeas petition as duplicative of a pending habeas petition when the second petition is essentially the same as the first petition)." For the same reasons, all relief requested in Petitioner's motion and attached papers is DENIED as

duplicative. This denial does not affect the motion to the extent it applies to Petitioner's second case (No. 11-11607).

IT IS SO ORDERED.

S/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: August 8, 2011

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on August 8, 2011.

S/Marie E. Verlinde
Case Manager
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